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OFFICE OF THE DIRECTOR
TC 3600

In re Application of : DECISION ON PETITION
David T. Frederick : TO WITHDRAW THE
SERIAL NO: 09/288,685 : HOLDING OF ABANDONMENT
FILED: April 9, 1999
FOR: MEDICAL CABINET WITH ADJUSTABLE DRAWERS

This is in response to applicant's petition filed in the Patent and Trademark Office on May 13, 2003 to Withdraw the Holding of Abandonment under 37 CFR 1.181. The delay in this decision is sincerely regretted.

The petition to Withdraw the Holding of Abandonment is **GRANTED**.

A review of the file indicates that on December 26, 2001, applicants filed an unsigned Appeal Brief in response to the examiners non-final rejection of July 17, 2001. On March 5, 2002 the examiner found the Brief defective because it was unsigned and concurrently set forth a new non-final rejection. Applicants on March 14, 2002 responded with a signed Brief that addressed the original rejection of July 17, 2001 but failed to address the new non-final rejection of March 5, 2002. On July 11, 2002 the examiner again found the Brief defective because it failed to address the current rejection of March 5, 2002. The rejection was concurrently made final on July 11, 2002. On August 28, 2002 applicant petitioned for Withdrawal of the Holding of Noncompliance. On March 21, 2003 the petition was denied.

The holding of abandonment in this application is hereby withdrawn and the rejections of March 5, 2002 and July 11, 2002 are hereby vacated.

The file is being forwarded to the examiner for an action on the merits

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dpw/snm: 10/20/03